

**Town of Royalston  
Board of Selectmen's Meeting  
Tuesday, January 3, 2006  
7:00 p.m.**

Present: Werner Bundschuh, Chairman; and Andrew West, Member.

Thomas Kellner, Clerk, was absent due to illness.

1. Chairman Bundschuh called the meeting to order at 7:10 p.m.
2. The minutes of the 12/20/05 meeting were read. Three corrections were made and noted. Mr. West made a motion to approve the minutes as amended. Mr. Bundschuh seconded the motion, with the Board voting unanimously in favor.
3. Acknowledgements/Announcements/Correspondence:
  - a) The Board reviewed the bill from Kopelman & Paige for the month of November.
  - b) Kathy Morris has requested the use of the Town Hall on 1/20/06 from 6:15 to 9:30 p.m. for a "Pied Potter" program. Mr. West made a motion to approve this request. Mr. Bundschuh seconded the motion. The vote was unanimous in favor. The fee is automatically waived because this is a town function.
  - c) Alan Young has requested permission to place political signs for Mike McCallum on town property. The Board has also received a similar request from the Committee to Elect Michael Ellis. Mr. West made a motion for blanket permission to post state primary and state general election signs on town property. Mr. Bundschuh seconded the motion. The Board voted unanimously in favor. Larry Siegel made a complaint regarding other signs posted on town property and asked that the matter be addressed at the next meeting.
  - d) Correspondence has been received from the Commonwealth of Massachusetts, Department of Public Safety, that the town has been granted \$11,299 through FY 2006 for the community-policing program.
4. Department Head Reports:
  - a) Fire Department:
    - 1) Chief Wayne Newton reported that the communications coordinator from Shelburne Falls would like to begin meeting about the changeover of the 24-hour dispatch service. Mr. Newton would like a member of the Board to participate. Mr. West volunteered.
    - 2) Mr. Newton stated that he brought the issue of setting up a cell tower on town property to the Planning Board at their last meeting. He plans to discuss it further at the next meeting of the Planning Board on 1/10/06.
    - 3) Mr. Newton reported that he is currently working in getting a hose truck repaired, and that it may not be fixable. He clarified other issues within the department. Mr. Bundschuh asked that the Board be notified about matters that have the potential to be emergency situations. The Chief reported that a fire truck sustained minor damage at a recent fire.
  - b) Tree Warden: Larry Siegel reported that a tree hearing has been advertised for three trees on the Common. Vyto Andreliunas asked if there is legal action pending, should the town engage in a public hearing regarding trees on the same property? Mr. Bundschuh

stated that there is technically no litigation pending. Mr. Siegel said that he is treating it as a separate matter. Mr. West asked if the Planning Board could postpone the hearing. Mr. Siegel said he would rather proceed as the hearing has been posted and advertised. Mr. Bundschuh will call town counsel tomorrow and ask for their recommendation. At this time, Attorney Nathan Lynch, representing Dr. Dwight Stowell, asked to speak regarding correspondence that he was given by Mr. Bundschuh in hand concerning the tree issue that was discussed at previous meetings. Attorney Lynch reiterated that the town's position is that a \$4,500.00 contribution by Dr. Stowell will be in place of any fines or fees and will make all things go away. Mr. Bundschuh stated that this is true. Attorney Lynch said that he feels this is extortion and handed a letter to Mr. Bundschuh from him on behalf of Dr. Stowell. Mr. Bundschuh said that it was certainly not meant that way and was being done without recourse or penalty. Mr. Siegel said that we tried to do this with friendliness and this is what it comes to. Discussion was held regarding other town trees that have been cut down previously with no action taken by the town. Mr. Siegel said that this is the first incident since he's been the tree warden and each case should be taken on an individual basis.

c) Police Department:

- 1) Mr. Bundschuh offered Chief Deveneau congratulations on the receipt of the community-policing grant.
- 2) Chief Deveneau reported that the site evaluation for the Class II license for Motors Unlimited was done on 12/23/05 and all conditions were met. If the Board issues the license, the police department would do inspections regularly to assure that the sign remains posted. Mr. West made a motion to sign the Class II license for Motors Unlimited. Mr. Bundschuh seconded the motion. The vote was unanimous in favor.
- 3) Chief Deveneau stated that some of his officers have brought to his attention that some members of the Fire Department are not following the No Smoking Regulations. It is up to the Board of Selectmen to enforce these regulations. Chief Deveneau recommended that the regulations be made a part of the Personnel Bylaw. Mr. West suggested that the written regulation be forwarded to the Personnel Committee and that a letter be sent to the Fire and Police Departments to be sure that they are complying.

5. New Business:

- a) Phil Delorey – FY06 CDBG Grant: Mr. Delorey stated that the town is approaching the time to submit the application for this year. Every town has to complete an update of their Community Development Strategy. Vyto Andreliunas has agreed to assist with this. The application gets graded for meeting the Community Development Strategy. A public forum needs to be scheduled to review the priorities for community development. Mr. Andreliunas suggested that the public forum be held during the Board's first meeting in February (2/7/06).
- b) The warrant for the state election was signed and returned to the Town Clerk's mailbox as directed.
- c) The matter of the Administrative Assistant's vacation time will be discussed at a later date when the full board is present.
- d) Mr. West made a motion to appoint Larry Siegel to the vacant position on the Conservation Commission as recommended by George Northrop, Chairman. Mr. Bundschuh seconded the motion, with the Board voting unanimously in favor.
- e) Kathy and John Chencherik have purchased a state flag for the town. Mr. West will send them a letter of thanks. Discussion was held regarding where the flag should be hung.

6. Old Business:

- a) Cutting of Trees on Common: Mr. Bundschuh read a letter he received via e-mail from Dr. Stowell regarding stacking and removal of wood and his plans to give the wood to specific taxpayers. Mr. Bundschuh said that he had e-mailed Dr. Stowell back that he didn't understand what he was saying. Mr. Siegel said that he had directed Dr. Stowell to stack the wood outside the town's property line. Also, Mr. West and Mr. Bundschuh read the letter previously presented to them by Attorney Lynch. Mr. West said that we need to specify rules of engagement. He said that he perceives the letter as pending litigation. He recommended that the Board send a letter to Dr. Stowell that he does not have permission to remove any wood or to decide who gets the wood or to grind any stumps on town land. Mr. Bundschuh agreed to send the letter to Dr. Stowell. Mr. Bundschuh will forward the letter from Attorney Lynch to town counsel tomorrow.
- b) Mr. Siegel asked about the status of the selection of the engineering firm for the Route 32 project. He urged the Board to look at this project from different perspectives, not just that of the DPW.
- c) Regarding the cash issue: Mr. Bundschuh spoke with the Town Accountant and learned that cash may be moved around within the budget as long as it is returned to the correct line item.
- d) The Board has received formal notification from the Commonwealth of Mass. Executive Office of Environmental Affairs that the town has received \$30,000 for the SMART Growth Technical Assistance Grant. The grant requires a small match from the town. Mr. West stated that the request for statements of qualifications for legal services for this grant must be published in the newspaper. Mr. Bundschuh will ask Helen Divoll to handle this.

7. The Treasury Warrant was signed.

8. At 9:33 p.m., Mr. West made a motion to adjourn. Mr. Bundschuh seconded the motion. The Board voted unanimously in favor.

Minutes recorded by Diana Newton.